

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Crim. No. 21-217 (SRN/BRT)

Plaintiff,

v.

**ORDER**

Terrell Demetrious Malone, Jr.,

Defendant.

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This matter is before the Court on Defendant's Motion Regarding Competency. (Doc. No. 43.) Defense counsel moves the Court pursuant to 18 U.S.C. § 4241 for a complete psychiatric examination and subsequent hearing to determine whether Defendant is competent to stand trial. On March 16, 2022, the Court ordered defense counsel to file a declaration under seal setting forth specific grounds for concern that Defendant is not able to sufficiently understand the proceedings or assist in his defense. (Doc. No. 45.) Defense counsel subsequently filed a sealed declaration in support of Defendant's Motion Regarding Competency on March 20, 2022. (Doc. No. 46.) Based on the motion and supporting declaration, the Court finds that there is reasonable cause to believe that "defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a).

Therefore, **IT IS HEREBY ORDERED** that:

1. The Defendant's Motion Regarding Competency (Doc. No. 43) is  
**GRANTED;**
2. Defendant is committed to the custody of the Attorney General for placement in a suitable facility for a reasonable period, not to exceed thirty days, for a psychiatric or psychological examination;
3. A psychiatric or psychological report shall be filed with the Court, pursuant to the provisions of sections 4247(b) and (c); and
4. After the psychiatric or psychological report has been filed, a hearing will be conducted in accordance with 18 U.S.C. § 4241(c) and (d).

Dated: March 22, 2022

s/ Becky R. Thorson  
BECKY R. THORSON  
United States Magistrate Judge